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7 Attorneys for Defendant,

THE VONS COMPANIES, INC.

8
9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 MELISSA SUE MARIE AZELTINE,

11 Plaintiff,

12
13 v.

14 THE VONS COMPANIES INC.,

15 individually and dba VONS #1795, a

Foreign corporation; DOES I through X,

16 inclusive and ROE CORPORATIONS I

through X, inclusive,

17 Defendants.
18

CASE NO.: 2:16-cv-01193-APG-NJK

19 **STIPULATION AND ORDER REGARDING AGREED**
FRCP 35 EXAMINATION PARAMETERS

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21 IT IS HEREBY STIPULATED AND AGREED TO by, Defendant, THE VONS
22 COMPANIES, INC., individually and dba VONS #1795, by and through its undersigned
23 attorneys, LEW BRANDON, JR., ESQ. and KRIS D. KLINGENSMITH, ESQ., of MORAN
24 BRANDON BENDAVID MORAN, and Plaintiff, MELISSA SUE MARIE AZELTINE, by and
25 through his undersigned attorney, JOEL S. HENGSTLER, ESQ., of THE 702 FIRM, that the
26 following parameters shall apply to the FRCP 35 Examination of Plaintiff to be conducted by
27 Dr. Reynold Rimoldi, M.D., in the above entitled matter:
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- 1 1. The examination shall last no longer than two (2) hours.
- 2 2. The examination shall be limited to those conditions of the Plaintiff that are in
- 3 controversy in this particular action as documented by Plaintiff's treating physicians and
- 4 medical experts; and to those areas of Plaintiff's body that the examining physician deems
- 5 relevant to the conditions of the Plaintiff that are in controversy.
- 6 3. The examining doctor will be provided with a copy of this Stipulation prior to
- 7 the examination.
- 8 4. Defendant shall produce the examining physician's report pursuant to the
- 9 applicable Discovery Scheduling Order and NRCP 16.1.
- 10 5. Plaintiff is responsible for and will incur a fee for failure to appear at the
- 11 scheduled examination or for a failure to provide notice of cancellation more than 48 hours
- 12 before said examination.
- 13 6. Plaintiff will fill out forms provided by the examining physician that relates to
- 14 her physical condition and injuries sustained in the subject incident and related prior incidents.
- 15 7. The Plaintiff shall not answer any questions which pertain to issues of liability.
- 16 8. Any forms to be completed by Plaintiff will be provided to Plaintiff's counsel ten
- 17 days prior to the examination and will be returned to defense counsel no later than 24 hours
- 18 prior to the examination.
- 19 9. No other persons shall be present during the examination other than the Plaintiff,
- 20 and the designated physician and members of his staff.
- 21 10. No diagnostic tests or procedures that are painful, protracted or intrusive, or
- 22 unreasonably invasive shall be conducted.
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11. Plaintiff will not to undergo any diagnostic imaging test at the examination; Plaintiff will not be expected to appear to the examination with any diagnostic imaging.

12. Defendant is responsible for providing the examining physician with Plaintiff's diagnostic imaging.

13. No video or audio recording of examination.

14. Plaintiff will not be required to disrobe from the waist down during the examination. Plaintiff shall wear loose-fitting shorts or pants to the examination to prevent the need for disrobing.

15. This examination is being conducted pursuant to FRCP 35 and the parties and examining physician agree to comply with the provisions of FRCP 35.

DATED this 26th day of October, 2016.

THE 702 FIRM

MORAN BRANDON BENDAVID MORAN

/s/ Joel S. Hengstler, Esq.
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MELISSA SUE MARIE AZELTINE

/s/ Lew Brandon, Jr., Esq.
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THE VONS COMPANIES, INC.

IT IS SO ORDERED.



U.S. Magistrate Judge

Dated: October 27, 2016



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